

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IN RE AIR CARGO SHIPPING SERVICES
ANTITRUST LITIGATION

MDL No. 1775

ORDER
06-MD-1775 (JG)(VVP)

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JOHN GLEESON, United States District Judge:

On September 26, 2008, Judge Viktor Pohorelsky filed his Report and Recommendations (“R&R”) as to five motions to dismiss filed by the defendants. On August 21, 2009, I issued an order adopting, with one exception, Judge Pohorelsky’s R&R, thereby denying in part and granting in part the defendants’ motion to dismiss. This order granted the defendants’ motion to dismiss the indirect purchaser plaintiffs’ claims in count II on the ground that these claims are preempted under the Airline Deregulation Act of 1978 (“ADA”) and its subsequent amendments. On August 31, 2009, the indirect purchaser plaintiffs filed a motion for entry of a judgment under Fed. R. Civ. P. 54(b) dismissing the state law claims in count II. On September 14, 2009, the indirect purchaser plaintiffs filed a stipulation in which the defendants consented to the entry of such a judgment.

Although the parties have consented to plaintiffs’ motion, entry of final judgment may be directed by this Court only if I “expressly determine[] that there is no just reason for delay.” Fed R. Civ. P. 54(b). *See generally* Wright, Miller & Kane, Federal Practice and Procedure § 2659 (3d ed. 1998). As I find there is no just reason for delay, I direct the Clerk to

enter judgment for the defendants dismissing the state law claims in count II of the plaintiffs' amended complaint. The oral argument on this motion, which is scheduled for October 2, 2009, is hereby canceled.

So ordered.

John Gleeson, U.S.D.J.

Dated: September 18, 2009
Brooklyn, New York